

applicable. A $\frac{1}{4}$ degree reaim is permitted in any direction at any test point.

* * * * *

S8.10 Chemical and corrosion resistance of reflectors of replaceable lens headlamps.

S8.10.1 Chemical resistance. (a) With the headlamp in the headlamp test fixture and the lens removed, the entire surface of the reflector that receives light from a headlamp light source shall be wiped once to the left and once to the right with a 6-inch square soft cotton cloth (with pressure equally applied) which has been saturated once in a container with 2 ounces of one of the test fluids listed in paragraph (b). The lamp shall be wiped within 5 seconds after removal of the cloth from the test fluid.

(b) The test fluids are:

- (1) Tar remover (consisting by volume of 45% xylene and 55% petroleum base mineral spirits);
- (2) Mineral spirits; or
- (3) Fluids other than water contained in the manufacturer's instructions for cleaning the reflector.

(c) After the headlamp has been wiped with the test fluid, it shall be stored in its designed operating attitude for 48 hours at a temperature of $73^{\circ}\text{F} \pm 7^{\circ}$ ($23^{\circ}\text{C} \pm 4^{\circ}$) and a relative humidity of 30 ± 10 percent. At the end of the 48-hour period, the headlamp shall be wiped clean with a soft dry cotton cloth and visually inspected.

S8.10.2 Corrosion. (a) The headlamp with the lens removed, unfixtured and in its designed operating attitude with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be subjected to a salt spray (fog) test in accordance with ASTM B117-73, *Method of Salt Spray (Fog) Testing*, for 24 hours, while mounted in the middle of the chamber.

(b) Afterwards, the headlamp shall be stored in its designed operating attitude for 48 hours at a temperature of $73^{\circ}\text{F} \pm 7^{\circ}$ ($23^{\circ}\text{C} \pm 4^{\circ}$) and a relative humidity of 30 ± 10 percent and allowed to dry by natural convection only. At the end of the 48-hour period, the reflector shall be cleaned according to the instructions supplied with the headlamp manufacturer's replacement lens, and inspected. The lens and seal shall then be attached according to these instructions and the headlamp tested for photometric performance.

* * * * *

Issued on: November 16, 1995.

Ricardo Martinez,
Administrator.

[FR Doc. 95-28625 Filed 11-22-95; 8:45 am]

BILLING CODE 4910-59-P

49 CFR Part 591

[Docket No. 89-5; Notice 16]

RIN 2127-AG13

Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; response to petition for reconsideration.

SUMMARY: This notice responds to a petition for reconsideration of a final rule which amended Part 591 to adopt a continuous entry bond as an alternative to the single entry bond that is otherwise required to accompany the permanent importation of nonconforming motor vehicles to ensure their eventual compliance with the Federal motor vehicle safety standards. The provisions regarding the new bond are amended in minor respects to reflect the bond's true nature as a bond covering more than one vehicle under a single entry.

DATES: The final rule is effective December 26, 1995.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202-366-5263).

SUPPLEMENTARY INFORMATION: On October 14, 1994, NHTSA adopted a final rule on amendments to the entry bonds required by 49 CFR Part 591 to accompany the permanent importation of nonconforming motor vehicles to ensure their eventual compliance with the Federal motor vehicle safety standards (Docket No. 89-5; Notice 15, 59 FR 52095). That notice responded to a request for comments on an interim final rule published on June 20, 1994 (Docket No. 89-5; Notice 13, 59 FR 31558). The reader is referred to those notices for further information.

These rulemaking actions amended 49 CFR Part 591 to adopt a continuous entry bond with a value of up to \$1,000,000 (Appendix B, 49 CFR Part 591) as an alternative to single entry bonds (Appendix A). Heretofore, each motor vehicle that was imported into the United States and that did not conform to all applicable Federal motor vehicle safety standards was admitted pursuant to a separate bond. To simplify importation procedures and the cost of doing business, Registered Importers asked NHTSA to allow entry of vehicles pursuant to a continuous entry bond. This would allow importation of an indeterminate number of vehicles under a single bond, thereby avoiding the necessity of having to obtain a separate

bond for each vehicle. NHTSA agreed, and amended Part 591 in what it believed to be a manner responsive to the concerns expressed.

The Surety Association of America ("Surety"), which describes itself as "a service organization supported by more than 650 member companies which collectively write the majority of all surety bonds written in the United States", submitted a letter asking for clarification of Notice 15. In its view, the bond that NHTSA adopted was simply a "schedule" type bond, one that accommodates more than one vehicle on the same entry, rather than an "umbrella" type of bond covering multiple vehicles and multiple entries. Since the request was received during the period in which petitions for reconsideration could be submitted, and since the request asks for relief in the manner of a petition, the agency has treated the request as a petition for reconsideration.

Surety offered to assist NHTSA in developing a true blanket or continuous entry bond. At the agency's request, it presented one. The principal drawback to this type of bond, from NHTSA's viewpoint, is that it falls upon the Obligor (NHTSA) to monitor the bond to ensure that the aggregate sum, or ceiling, is not exceeded by the number of vehicles under its coverage at any single point in time. After review, NHTSA decided that this would increase the burden upon NHTSA's import compliance staff at a time when it is attempting to streamline the importation process and provide a more responsive service to importers, registered and otherwise. Neither Surety nor NHTSA are aware of any complaints from registered importers that the Appendix B bond is unsuitable for them in the form adopted. While a true continuous entry bond covers importations through any port of entry, the "schedule" bond relates to a single entry of a multiple number of vehicles through a single port. This appears to be the way that registered importers are doing business—importing vehicles through one port of entry. On balance, then, there appears to be no reason to adopt a true continuous entry bond when there is no demonstrated need for it and its adoption would impair the ability of NHTSA to process new entries in a timely manner.

Surety pointed out that the utility of the Appendix B Bond as a "schedule" or multiple vehicle type bond could be enhanced by a clearer indication on the bond form where the information identifying the vehicles should be inserted. It also called the agency's attention to a typographical error in

paragraph 3 of the "Now Therefore" clause, that the principal shall not release a vehicle before the 30th calendar day, if the principal has received written notice from the Administrator that "no" inspection is required. The correct word is "an". Appendix B is modified to reflect these two comments. Conforming amendments are also made to 49 CFR 591.6(c).

As written, both Appendix A and Appendix B permit a Registered Importer to import a single vehicle under their respective bond provisions (Appendix A also specifies the bond for individuals importing a single vehicle pursuant to a contract with a Registered Importer). Because this is redundant, and because the terms and obligations affecting the importation of a single vehicle by a Registered Importer are identical under both forms of bonds, NHTSA is also amending Appendix B to remove references to the importation of a single vehicle.

Effective Date

NHTSA has received no bonds in the form of Appendix B adopted in October 1994 and is therefore making this amendment effective 30 days after publication. Because of the need to ensure an uninterrupted flow of commerce, and because the rule imposes no additional burden upon any party, it is hereby found that an effective date earlier than 180 days after issuance is in the public interest, and the final rule is effective 30 days after publication in the Federal Register.

Rulemaking Analyses

A. Executive Order 12866 (Federal Regulation) and DOT Regulatory Policies and Procedures

This notice has not been reviewed under E.O. 12866. After considering the impacts of this rulemaking action, NHTSA has determined that the action is not significant within the meaning of the Department of Transportation regulatory policies and procedures. The only substantive change that this final rule makes is to remove a redundancy in bond availability to registered importers. The impacts are so minimal as not to warrant the preparation of a full regulatory evaluation.

B. Regulatory Flexibility Act

The agency has also considered the effects of this action in relation to the Regulatory Flexibility Act. The RIs are small businesses within the meaning of the Regulatory Flexibility Act. However, for the reasons discussed above under E.O. 12866 and the DOT Policies and

Procedures, I certify that this action would not have a significant economic impact upon "a substantial number of small entities." The removal of an option has no substantive effect since the obligation is identical whether or not the option exists. Governmental jurisdictions will not be affected at all since they are generally neither importers nor purchasers of nonconforming imported motor vehicles.

C. Executive Order 12612 (Federalism)

The agency has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 "Federalism" and determined that the action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

D. National Environmental Policy Act

NHTSA has analyzed this action for purposes of the National Environmental Policy Act. The action will not have a significant effect upon the environment because it is anticipated that the annual volume of motor vehicles imported will not vary significantly from that existing before promulgation of the rule.

E. Civil Justice Reform

This final rule will not have any retroactive effect. Under 49 U.S.C. 30103), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. A procedure is set forth in 49 U.S.C. 30161 for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 591

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR part 591 is amended as follows:

PART 591—IMPORTATION OF VEHICLES AND EQUIPMENT SUBJECT TO FEDERAL SAFETY, BUMPER, AND THEFT PREVENTION STANDARDS

1. The authority citation for part 591 is revised to read as follows:

Authority: Pub. L. 100-562, 49 U.S.C. 322(a), 30117; delegation of authority at 49 CFR 1.50.

2. Section 591.4 is amended by revising the introductory text to read as follows:

§ 591.4 Definitions.

All terms used in this part that are defined in 49 U.S.C. 30102, 32101, 32301, 32502, and 33101 are used as defined in those sections except that the term "model year" is used as defined in part 593 of this chapter.

* * * * *

3. Section 591.6 is amended by revising paragraph (c) to read as set forth below:

§ 591.6 Documents accompanying declarations.

* * * * *

(c) A declaration made pursuant to paragraph § 591.5(f), and under a bond for the entry of a single vehicle, shall be accompanied by a bond in the form shown in Appendix A, in an amount equal to 150% of the dutiable value of the vehicle, or, if under bond for the entry of more than one vehicle, shall be accompanied by a bond in the form shown in Appendix B and by Customs Form CF 7501, for the conformance of the vehicle(s) with all applicable Federal motor vehicle safety and bumper standards, or, if conformance is not achieved, for the delivery of such vehicle to the Secretary of the Treasury for export at no cost to the United States, or for its abandonment.

* * * * *

Appendix A—Section 591.5(f) Single Entry Bond

5. The title of Appendix A is revised to read as follows:

Appendix A—Section 591.5(f) Bond for the Entry of a Single Vehicle

6. Appendix B is revised to read as follows:

Appendix B—Section 591.5(f) Bond for the Entry of More Than a Single Vehicle

Department of Transportation—National Highway Traffic Safety Administration—Bond To Ensure Conformance With U.S. Federal Motor Vehicle Safety and Bumper Standards

(To redeliver vehicles, to produce documents, to perform conditions of release, such as to bring vehicles into conformance with all applicable U.S. Federal motor vehicle safety and bumper standards)

Know All People by These Presents That [principal's name, mailing address which includes city, state, ZIP code, and state of incorporation if a corporation], as principal, and [surety's name, mailing address which includes city, state, ZIP code and state of incorporation] are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of [bond amount in words] dollars (\$ [bond amount in numbers]) which represents 150% of the entered value of the following described motor vehicle(s) as determined by the U.S. Customs Service:

[model year, make, series, engine and chassis number of each vehicle]

for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns (jointly and severally), firmly by these presents

WITNESS our hands and seals this _____ day of _____, 199____

WHEREAS, motor vehicles may be entered under the provisions of 49 U.S.C. 30112 and 49 U.S.C. 32506; and

WHEREAS, pursuant to 49 CFR part 591, a regulation promulgated under the provisions of 49 U.S.C. 30112, the above-bounden principal desires to import permanently the motor vehicles described above, which are motor vehicles that were not originally manufactured to conform with the Federal motor vehicle safety and bumper standards; and

WHEREAS, pursuant to 49 CFR part 592, a regulation promulgated under the provisions of 49 U.S.C. 30112, the above bounden principal has been granted the status of Registered Importer of motor vehicles not originally manufactured to conform with the Federal motor vehicle safety standards; and

WHEREAS, pursuant to 49 CFR part 593, a regulation promulgated under the provisions of 49 U.S.C. 30112, the Administrator of the National Highway Traffic Safety Administration has determined that each of the motor vehicles described above is eligible for importation into the United States; and

WHEREAS, the motor vehicles described above have been imported at the port of [name of port of entry], and entered at said port for consumption on entry No. _____ dated _____, 199____.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT—

(1) The above-bounden principal ("the principal"), in consideration of the permanent admission into the United States of the motor vehicles described above, voluntarily undertakes and agrees to have such vehicles brought into conformity with all applicable Federal motor vehicle safety and bumper standards within a reasonable time after such importation, as specified by the Administrator of the National Highway Traffic Safety Administration (the "Administrator");

(2) For each vehicle described above ("such vehicle"), the principal shall then file, with the Administrator, a certificate that such vehicle complies with each Federal motor vehicle safety standard in the year that such vehicle was manufactured and which applies in such year to such vehicle, and that such vehicle complies with the Federal bumper standard (if applicable);

(3) The principal shall not release custody of any vehicle to any person, or license or register the vehicle, from the date of entry until 30 calendar days after it has certified compliance of such vehicle to the Administrator, unless the Administrator notifies the principal before 30 days that (s)he has accepted such certification and such vehicle and all liability under this bond for such vehicle may be released, except that no such release shall be permitted, before or after the 30th calendar day, if the principal

has received written notice from the Administrator that an inspection of such vehicle will be required, or that there is reason to believe that such certification is false or contains a misrepresentation.

(4) And if the principal has received written notice from the Administrator that an inspection of such vehicle is required, the principal shall cause such vehicle to be available for inspection, and such vehicle and all liability under this bond for such vehicle shall be promptly released after completion of an inspection showing no failure to comply. However, if the inspection shows a failure to comply, such vehicle and all liability under this bond for such vehicle shall not be released until such time as the failure to comply ceases to exist;

(5) And if the principal has received written notice from the Administrator that there is reason to believe that such certificate is false or contains a misrepresentation, such vehicle and all liability under this bond for such vehicle shall not be released until the Administrator is satisfied with such certification and any modification thereof;

(6) And if the principal has received written notice from the Administrator that such vehicle has been found not to comply with all applicable Federal motor vehicle safety and bumper standards, and written demand that such vehicle be abandoned to the United States, or delivered to the Secretary of the Treasury for export (at no cost to the United States), the principal shall abandon such vehicle to the United States, or shall deliver such vehicle, or cause such vehicle to be delivered to, the custody of the District Director of Customs of the port of entry listed above, or any other port of entry, and shall execute all documents necessary for exportation of such vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after proper notice by the Administrator for the principal, the principal shall pay to the Administrator an amount equal to 150% of the entered value of such vehicle as determined by the U.S. Customs Service;

Then this obligation shall be void; otherwise it shall remain in full force and effect. [At this point the terms agreed upon between the principal and surety for termination of the obligation may be entered]

Signed, sealed and delivered in the presence of

PRINCIPAL: (name and address)

(Signature) (SEAL)

(Printed name and title)

SURETY: (name and address)

(Signature)

(Printed name and title)

Issued on: November 16, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95-28539 Filed 11-22-95; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 95-0822210-5265-02; I.D. 081195A]

RIN 0648-AH94

Summer Flounder Fishery; Amendment 7

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 7 to the Fishery Management Plan for the Summer Flounder Fishery. This amendment revises the fishing mortality rate reduction schedule for summer flounder, by extending for 2 years the time at which the final fishing mortality rate goal is reached. The rule continues the rebuilding of summer flounder stock abundance under a schedule that reduces short-term economic losses for participants in the fishery.

EFFECTIVE DATE: December 22, 1995.

ADDRESSES: Copies of Amendment 7, the environmental assessment, the regulatory impact review (RIR), and final regulatory flexibility analysis (FRFA) are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION:

Background

Amendment 7 was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the Atlantic States Marine Fisheries Commission (ASMFC) and the New England and South Atlantic Fishery Management Councils. A proposed rule to implement the amendment was published in the Federal Register on September 5, 1995 (60 FR 46105). The amendment revises management of the summer flounder (*Paralichthys dentatus*) fishery pursuant to the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act).

Background concerning the development of the management measures contained in Amendment 7 and the reasons they were adopted by